

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 2, 2001

D035639 People v. Tagaloni

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D034041 People v. Mendoza

D036555 In re Mendoza on Habeas Corpus

(consolidated) The petition for a writ of habeas corpus is denied. The superior court is directed to modify the abstract of judgment to show that the section 1202.45 restitution fine is stricken and to forward a corrected copy of the abstract of judgment to the Department of Corrections. The judgment is affirmed as modified. Work, Acting P.J.; We Concur: Benke, J., Huffman, J.

D036826 Kane et al. v. National Ski Patrol System, Inc.

The judgment is reversed with instructions to enter judgment in favor NSPS. Costs are awarded to appellant. CERTIFIED FOR PUBLICATION. Benke, J.; We Concur: Kremer, P.J., Huffman, J.

D035336 Dupont v. Dupont/County of San Diego

The order appealed from is affirmed. Sanctions are denied. County will bear the costs on this appeal. CERTIFIED FOR PARTIAL PUBLICATION. Huffman, Acting P.J.; We Concur: Nares, J., McIntyre, J.

D036498 People v. Bodiford

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D035921 Urias et al. v. Lewis et al.

The summary judgment in favor of Lewis and the order denying Urias's section 663 motion to vacate the summary judgment are affirmed. Respondents shall recover from appellants their costs on appeal. Nares, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D036798 Martinez v. Wells Fargo Bank, N.A. et al.

The appeal is dismissed.

D037216 In re Bratton on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 3, 2001

D037198 Sedano v. Workers' Compensation Appeals Board/ Escondido Union School District
The petition is denied.

D037412 Fry's Electronics, Inc. v. Superior Court of San Diego County/Apex Wholesale, Inc.
The petition is denied.

D037092 In re Contreras on Habeas Corpus
The petition is denied.

D037101 In re Smith on Habeas Corpus
The petition is denied.

D035868 Industrial Design Laboratories, Inc. v. Popov, McCulloch & Cohan, LLP
The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

D037666 In re DAYSHANNAE NICOLE H., a Juvenile
The Notice of Intent is not from a hearing where the matter was referred to a Welfare & Institutions Code section 366.26 hearing. The Notice of Intent is deemed a Notice of Appeal and the case will be processed under rules for juvenile fast track cases.
In that the Contested 366.26 hearing of March 23, 2001 was continued until June 25, 2001, the notice of appeal is dismissed without prejudice as premature.

D037287 In re Carla S. et al, Juveniles
The appeal taken by appellant Norma S. is dismissed.

D037664 In re Watson on Habeas Corpus
The petition for writ of habeas corpus, In re Watson D037664, will be considered at the same time as the pending appeal, People v. Watson D034448.

D036804 Blaine et al. v. Katten, Muchin, Zavis & Weitzman et al.
The judgment in favor of Wyman is affirmed. The judgments in favor of Katten and Attorney Gray are reversed as they relate to the causes of action other than the legal malpractice cause of action and the matter is remanded for further proceedings in accordance with the views expressed in this opinion. Wyman to recover costs on appeal. The remaining parties to bear their own costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D037681 San Diego County Health and Human Services Agency v. Superior Court of San Diego County/Lisa B. et al.
The petition is denied.

D034381 People v. Rasakhamdee
The petition for rehearing is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 3, 2001 (Continued)

D037121 Bottomley v. Superior Court of San Diego County/People

The petition is denied. The stay will be vacated when the decision is final as to this court. Haller, J.;
We Concur: Kremer, P.J., McIntyre, J.

D037683 Spangler et al., v. Superior Court of San Diego County/People

The petition is denied.

D034579 Mell et al. v. Hawthorne Savings, FSB

The judgment is reversed and the matter is remanded to the superior court, which is directed to dismiss the action with prejudice. The remittitur shall issue immediately. Each party shall bear its own costs on appeal. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D036524 People v. Trinh

The petition for rehearing is denied.

D034917 People v. Tomsick

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D036018 People v. LaBlanc

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 4, 2001

D035024 People v. Marin

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D035737 M. D. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services

The petitions are denied. The order dated January 9, 2001, staying the section 366.26 hearings as to J. D. and L. D. is vacated. O'Rourke, J.; We Concur: Kremer, P.J., Benke, J.

D036257 People v. Lopez

Judgment affirmed. Work, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D035650 People v. Love

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D035443 People v. Hogan

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P. J., Huffman, J.

D037633 In re Angeles on Habeas Corpus

The petition is denied.

D034512 People v. Johnson

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D036822 White v. State of California et al.

Judgment affirmed. CERTIFIED FOR PUBLICATION. Haller, J.; We Concur: Kremer, P.J., Huffman, J.

D037582 Johnson v. Superior Court of San Diego County/People

The petition is denied.

D035548 In re Andrew P., a Juvenile

The juvenile court's order declaring Andrew a ward is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037298 In re Hayes on Habeas Corpus

The petition is denied.

D037687 Hedgcock v. Superior Court of San Diego County/ Crane

The petition is denied.

D035656 People v. Johnson

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 4, 2001 (Continued)

D034520 People v. Bailey
The petition for rehearing is denied.

D035258 In re Coordinated Latex Glove Litigation Armenta v. Baxter Healthcare Corporation et al.
The summary judgment entered in favor of defendants is reversed. Costs are awarded to plaintiff. Huffman, J.; We Concur: Kremer, P.J., Nares, J.

D036446 People v. Lara
For good cause shown, the stipulation to recall the remittitur is accepted. The Clerk of the Orange County Superior Court is directed to return the remittitur issued March 20, 2001 to this court on or before April 16, 2001. Upon receipt of the remittitur the Clerk of the Fourth Appellate District, Division One is directed to re-issue the opinion originally filed January 17, 2001.

D036006 In re Rafael H., a Juvenile
Judgment affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D037689 Federal Express Corporation et al. v. Superior Court of San Diego County/Clutterbuck
The petition is denied.

D037074 In re Jasmine Marie W., a Juvenile
The matter is set for oral argument on Tuesday, April 17, 2001, at 1:30 p.m. The trial court hearing scheduled for April 17, 2001, is stayed pending disposition of this matter. The court is providing a tentative draft of the opinion with this order. Should the parties elect to waive oral argument based on the tentative draft, they should notify the court by April 11, 2001.

D037688 Fry's Electronics Inc. v. Superior Court of San Diego County/Apex Wholesale, Inc.
The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 5, 2001

D034632 People v. Labaer

The sentence on counts three and four (section 243, subd. (b) battery on a peace officer) is vacated, and the matter is remanded for resentencing on those counts. After resentencing, the clerk of the superior court shall prepare and send to the Department of Corrections a corrected abstract of judgment. In all other respects, the judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION. Haller, J.;
We Concur: Kremer, P.J., Benke, J.

D037327 In re Kaplan on Habeas Corpus

The petition is denied.

D034597 People v. Harris

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 6, 2001

D036403 In re Margaret T., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P. J., Haller, J.

D037001 GMAC Mortgage Corporation of Iowa v. Brooksamerica Mortgage Corporation et al.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D033510 People v. Garcia

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., McDonald, J.

D036450 Lifetime Memory Products, Inc. v. Century Indemnity Company et al.

The opinion filed March 19, 2001, is modified as follows: Page 16 is replaced to reflect the panel hearing the matter at oral argument. There is no change in the judgment.

D035556 People v. Leflet

Appeal dismissed. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D037027 Paola F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is granted as to the court's finding that reasonable services were offered. In all other respects, it is denied. The court is directed to vacate its order terminating Paola's reunification services and referring the matter to a section 366.26 hearing. The court is to provide Paola with six additional months of services. This opinion is final immediately as to this court. (Cal. Rules of Court, rule 24(d).) McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D036848 Gronotte v. Everakes

The judgment is affirmed. Dr. Everakes to recover costs on appeal. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J.

D037326 Cundieff v. W.T. Billard, Inc./The Raymond Corporation/The Home Depot

Upon filing a written abandonment and request by appellant The Home Depot, the appeal of The Home Depot is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

D036800 Parkgate Center LLC et al. v. Mraz

The judgment is affirmed. Appellants to pay costs on appeal. O'Rourke, J.; We Concur: Nares, Acting P.J., McDonald, J.

D037698 Jay M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied.

D034613 People v. Ferguson

The judgment is reversed. Huffman, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 6, 2001 (Continued)

D036323 In re J. H., a Juvenile

Judgment affirmed. Benke, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D034383 People v. Contreras

The judgment is reversed. Kremer, P.J.; I Concur: Haller, J., I Concur and Dissent (opinion): McDonald, J.

D036815 In re the Marriage of Nelson

The orders are affirmed. Kremer, P.J.; We Concur: Benke, J., Haller, J.